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ABSTRACT

The efforts of the Colorado Division of Youth Services to develop a program that would reduce the inappropriate use of secure detention of juveniles by providing intake/screening units and various nonsecure alternative detention services are described. Program goals are discussed and criteria on which detention decisions were based for the Arapahoe Detention Alternatives Program (ADAP) are outlined. The process of evaluating each youth based on these criteria and on an interview to determine if she/he could be released to parents or placed in a nonsecure alternative before recommending secure detention is described. The role of the intake staff is discussed in detail and the need for cooperation from various agencies involved in law enforcement and social services is emphasized. Several alternatives to secure detention are explained, including home detention, family shelter, and group shelter. An evaluation of the program is included which focuses on referrals to the program and population changes, recidivism rates, and fiscal results. In conclusion, the success of the ADAP is outlined, the current status of the program is described, and the development of additional intake programs in other Colorado youth detention centers and at many jails throughout the state is noted. (NRB)

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# THE ARAPAHOE DETENTION ALTERNATIVES PROGRAM

Prepared for

The Office of Juvenile Justice
and Delinquency Prevention

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INTRODUCTION

A major component of the juvenile detention system in Colorado are the State's six juvenile detention centers located on the highly populated front range, and operated by the Division of Youth Services (DYS), a public agency located within the Colorado Department of Institutions.

Concerned with the severe overcrowding and inappropriate confinement of some youths in the detention centers, the Division of Youth Services developed a proposal addressing these issues, with funding from a grant by the federal Office of Juvenile Justice and Delinquency Prevention, through the State Division of Criminal Justice. The major objective of the proposal was to reduce the inappropriate use of secure detention by providing intake/screening units, and various, nonsecure alternative detention services. The proposal included the use of written criteria for detention admissions, and the use of the least restrictive alternative for each youth who required detention services.

DYS was awarded sufficient funds to implement the program at one detention center as a pilot project, and the Arapahoe Youth Center was chosen as the initial program site. The secure facility in Arapahoe County had a capacity for 15 youths and was continually overcrowded, having to transfer youths to other facilities to accommodate the need for as many as 20 or more youths per day. There were plans to build a new, larger facility with a 30-bed capacity for this jurisdiction.*

Arapahoe County had a concerned Juvenile District Court Judge who was willing to work with the project to alleviate the problems in the detention system. Arapahoe County had also recently formed a Placement Alternatives Commission designed to reduce the number of youths who were removed from the home and treat them in the community. This commission included the administrators of the human services systems in the County who became an advisory body to the project.

The planning process involved working very closely with the County systems and developing interagency cooperation. In this spirit, the coordinator of the Detention Alternatives Projects also was given the responsibility of coordinating the County diagnostic team, which evaluated teenagers for out-of-home

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*This publication is based in part upon, "The Arapahoe Detention Program," (Pretrial Services Annual Journal Vol. IV, 1981, pp. 103-121), Claus D. Tjaden, Jack Phelan, Diane Clancy, and Walter R. Hammons.

placement. This unique combination of two positions in one helped create a great deal of interagency communication, enabling the intake staff at the detention center to negotiate the system more effectively. The project researcher was also available to the Alternative Placement Commission for consultation.

The staff for the project were located at the secure detention facility, however, their duties did not include the supervision or care of detained juveniles. Efforts were made to present this project as an independent component of the Division of Youth Services. Furthermore, the whole concept of creating alternatives and using criteria was seen as a process that would change and grow as the program matured. Creativity was encouraged, therefore, and the program concept was more fluid than is usual in an institutional program.

## PROGRAM GOALS AND CRITERIA

The goal of the program was to provide appropriate detention services to the youths in this jurisdiction, without creating any new dangers to the community, and without endangering the court process. It was felt that too many youths were being held in secure detention when they could have been released to parents or placed in nonsecure settings. The rationale for this was that 50 percent of the youths held at the center were released after 48 hours, and that 40 percent of the youths being held were held for situational reasons, e.g., parents were unavailable.

The staff of the project believed that secure detention services are not the treatment of choice for most youths, and should only be used for youths who are judged to be a danger to the community, based on factual data. Nonsecure or unlocked detention services in the community are preferable for youths who are not dangerous. In fact, release to parents or relatives and other "nonsystem" living arrangements are the best situations for most youths who get arrested, and are awaiting a court hearing. Also, detention for most youths is a pretrial service which occurs before guilt is determined, therefore, should not be used for punishment, or as a corrective action. The staff who do the screening are required to have an attitude of youth advocacy, and are expected to strive energetically to provide alternatives to secure detention for all appropriate youths.

The process of implementing this program involved several factors which directly affected the outcome. Planning staff worked directly with the Juvenile Judge to develop written criteria to determine which youths would be eligible for nonsecure alternatives and release. It was decided not to get a vote of approval from each of the County juvenile justice agencies, but rather to present the criteria to them for comments and suggestions. Had it been permissible for each part of the system to create exceptions to the criteria, it would have neutralized the effort.

There were differing points of view about the use of criteria. The original grant proposal stressed intake staff, not criteria, with intake staff being gatekeepers at the front door of the secure facility. An important component was early release as well as denied admission. The project researcher was a strong advocate for writing very tightly constructed criteria and building the program on the strength of this written document. He felt that if the program was going to survive, it had to be based on the written criteria. The project coordinator believed that the program had to develop gradually, through the credibility of the intake staff's decision-making ability, and the Judge's growing confidence in the use of nonsecure alternatives and release.

Even though almost everyone felt that the criteria were nothing new, it was a new process to have the rules in writing. This formalization was a change and did, indeed, affect the use of secure detention. The criteria were more than a set of rules; they were a process by which the community was organized and took on a collective responsibility for children in detention.

The criteria required understanding and support from the police and other professionals who take youths into custody. The initial 90 days of the program were planned as a time when the criteria would be implemented gradually, rather than imposing a new set of rules immediately. This allowed most of the people in the system to learn about the program firsthand, without having to argue about where a particular youth would spend the night.

The goal was to reduce inappropriate detention, especially of status offenders, nonoffenders, and delinquents presenting no danger to the community. Detention decisions were based on the following criteria.

## Arapahoe County Detention Criteria

I. Youths who shall be detained pending the detention hearing within 48 hours of their admittance, as provided by law, are:

   A. Felony with one or more of the following conditions verified by documentation:

      1. Previous adjudication of two or more delinquencies within the past 12 months.

      2. Adjudicated of one or more felonies and is presently under the rules and conditions of probation or parole.

3. Mandatory hold* placed by the arresting peace officer.

4. Crimes of violence resulting in serious bodily injury to the victim.

B. Escape or AWOL from a juvenile institution or placement facility operated by the Division of Youth Services.

C. Wanted on a verified warrant from another jurisdiction; wanted on a verified warrant less than 18 months old from this jurisdiction.

D. Record of failure to appear for court hearing within previous 18 months.

II. Youths who <u>may</u> be detained. Discretion should be used based upon the following. Prior to the child's admittance to secure detention, it must be clearly documented that the child could not have been served and the community protected by the use of a less restrictive alternative.

A. Previous history of runaways (two or more) from court-ordered placement within the past 12 months.

B. Two or more delinquency petitions pending before the court.

C. Crimes of violence: aggravated assault, robbery, or rape.

D. Two or more adjudications for delinquent offenses within the past 12 months.

E. Alleged of selling addictive drugs.

F. Alleged felonious act.

G. Misdemeanor offenses or probation or parole conditions where aggravating circumstances and conditions exist.

H. Out-of-state runaway.

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*Colorado Revised Statute 19-2-103(3)(b) states that "no child taken to a detention or shelter facility pursuant to Section 19-2-102 as the result of an alleged delinquent act which would constitute a felony if committed by an adult shall be released from such a facility if a law enforcement agency has requested that a detention hearing be held to determine whether the child's immediate welfare or protection of the community requires that he be detained."

III. Youths who shall not be detained in a secure facility are:

A. Youths who have violated municipal court ordinances and/or under municipal court supervision.

B. Youths brought by parents due to lack of parental control.

C. Youths requested to be held:

1. Solely for police investigation or for the purpose of a preliminary investigation.

2. Solely as a temporary corrective or punitive measure.

3. Solely because of alleged school truancy.

D. Youths who have physically handicapped conditions that impair their visual or motor skills to the extent that they cannot adjust to, or participate in, the program.

E. Require medical care beyond the scope of the Division of Youth Services' level of medical service.

F. Contagious disease that requires isolation.

G. Youths certified under 27-10 to 19-3-107, CRS 1973, as amended.*

H. Youths for whom the Juvenile Court (Division) does not have exclusive and original jurisdiction, 19-1-104 (1), CRS 1973, as amended.**

Through the continual dialectic of more formal evaluation and push for stronger criteria, combined with a pragmatic community organization approach, the Detention Alternatives Program became successful and created a solid knowledge base to replicate the system in other jurisdictions.

The program was greatly aided by an inspired and talented intake staff, who personally created a great deal of the credibility for the program with both the Judge and frontline staff in the juvenile system.

The Intake/Alternatives staff were set up somewhat autonomously, under the supervision of the program coordinator, so that they would not be influenced

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*19-3-107 Youths who are mentally ill or developmentally disabled.

**19-1-104 Youths who are dependent, neglected, in need of supervision or otherwise not under the jurisdiction of the court.

by the availability of bedspace at the Center. Their work was evaluated on several levels and they did extensive documentation of their processes. They were intimately involved in the creation of the nonsecure alternatives and supervised all youths in the nonsecure system. They were encouraged to be creative and resourceful, and to make decision with confidence.

The nonsecure alternatives are home detention, family shelter, and group shelter. Each youth is evaluated through the criteria and an interview to determine if s/he could be released to parents, or placed in a nonsecure alternative, before secure detention would be considered. The largest group of youths who were screened out of secure detention went home to parents, and had no services, which was both a fiscal and programmatic savings. It also eliminated the often destructive experience of being in the system unnecessarily.

A schedule was developed to provide coverage by two intake staff, ten hours per day, seven days per week. The intake staff selected were committed to the use of the least restrictive placement, and had the ability to work with all juvenile justice and service delivery systems, to arrange the optimal placement for each youth.

If a youth could not be released immediately at intake, a detention hearing was held within 48 hours to determine whether the child needed to be detained further. At this hearing, the intake staff presented a one page written detention hearing report to the Judge, District Attorney, Social Services, Public Defender, and other court officials. This report contained information on the youth's delinquent history; family background; attitudes of the youth and parents' involvement with the court and community services; an assessment of the youth's ability to function at home and in community placements; an assessment of the events which led to the youth's detention; recommendations from police, Probation, or Social Services, and recommendations for nonsecure placement if necessary.

The process of negotiating with the District Attorney, police, parents, Social Services, Probation Department, and lawyers at the court prior to hearings also became important in removing youths from secure detention. By presenting a comprehensive evaluation of the youths within 48 hours of arrest, unnecessary detention of youths is eliminated.

Detained youths were monitored throughout detention. If at any time during a youth's detention it was believed that a less secure placement was appropriate, that recommendation was made to the court.

The staff saw their job as recommending options to the court, and did not necessarily strive to get consensus from the District Attorney or other juvenile justice professionals. The Judge often had to decide a course of action from differing recommendations. The intake staff did not hesitate to recommend continued secure detention if this was appropriate.

## COORDINATION

The family's first contact with the juvenile justice system was often through the intake staff. Calls were made to inform the family of the youth's detention and to give notice of the detention hearing. Staff answered any questions the family might have about the hearing, placement options, and other aspects of the juvenile justice system. The staff also interviewed the family to gather information for the court to assess the youth's needs.

If parents refused custody, or the situation in the home was such that the youth could not be returned home immediately, Social Services became involved in the court process. Youths in this situation were often inappropriate for secure detention and required other services. Intake staff aided Social Services and the court by recommending appropriate out-of-the-home placement, such as temporary shelter care, until a disposition was reached. In turn, Social Services, aided the intake staff by providing information on the social background of the youth, where the family had contact with that agency.

Cooperation between the intake staff and the Public Defender's Office was valuable to youths requiring detention hearings. The social and legal history provided by the intake staff was beneficial to Public Defenders who had to deal with a client they knew little or nothing about in their first meeting. The Public Defender often used the information in negotiating for release or the type bond set.

Other agencies such as Probation and Police Departments also worked with the intake staff. Involvement with these agencies generally focused on the gathering of information on the present and past legal status of the youth. This information was valuable in reports to the court, in assessing the needs of a youth, and in making a knowledgeable decision as to the appropriateness of placing a youth back into the community. Since these agencies were also involved in the placement decision-making process, intake staff worked with these agencies to assure that such youths also had the benefit of nonsecure placement. The intake staff were available to aid these agencies and the court in assessing the degree of structure needed in providing alternatives to secure detention.

## THE ALTERNATIVES

### Home Detention

The Home Detention Program was offered to parents who were willing to have their child return home, but felt that they did not have sufficient control over him/her. If the family was seen as capable of using this service, the intake staff would sit down with the youth and parents to draw up a behavior contract. Each contract contained standard expectations and individualized

details. Often, just the process of discussing and negotiating about expectations was a new experience for youths and their parents.

This program required the intake staff to work with families and spend time in the home of these youths. The family was expected to be at home at least one night per week. The intake staff would make personal visits to the home on Monday to help set up the week's schedule and on Friday to discuss the weekend activities. The youth would call in to the staff daily at an agreed upon time.

The Home Detention program must be court ordered. The family knew that if the youth got into further trouble or ran away, he would be recommended for a more restrictive setting. It was necessary to place a 30-day limit on this program, after which parents assumed full responsibility for their child. Parents wanted to use the Home Detention program indefinitely, but because of the intensity of the supervision, most youths could function in the program for only about a month. All placements into the home detention program were ordered by the Judge since it was a restriction and intrusion in the life of the youth.

The initial experience with the Home Detention program found 4 out of 11 youths unsuccessful in completing the program. The staff looked very carefully at these unsuccessful cases; in each instance, the parents were uncooperative or concealing problems. A more thorough evaluation of the parents was developed and the success rate improved.

Family Shelter

A specialized foster care program was also developed, distinctly different from Social Services' foster homes. This program, called "Family Shelter" was designed for older youths who had exhibited disruptive or delinquent behavior, yet were maintainable in the community. Four one-bed homes were developed to provide care on a short-term basis (1 day to 60 days), for youths in detention services.

The homes were approved and licensed by the Department of Social Services, but were recruited and supervised by the intake staff. The reimbursement rate for the homes was slightly higher than the Social Services' foster home rate, and the rate was paid whether the bed was full or empty. The Family Shelter parents received weekly supervision and participated in an ongoing training program. Attempts were made to assure compatible matches between family and youths as well as to keep a youth within his or her own school district. All youths in this service had detention hearings within 48 hours.

The attractions of this program were stressed in staff recruitment. Salient features included more staff support to the shelter parents, better training, a 24-hour response system if emergencies arise, better reimbursement, and the

opportunity to do short-term work rather than making a long-term commitment to one youth.

Although the youth was offered the option of a family shelter placement, the freedom of the youth was more restricted here than in a traditional foster home. As representatives of the court, the intake staff rather than the family shelter parents were the visible authority figures.

The intake staff developed a behavior level system, which provided increasing privileges, as a youth progressed in the family shelter home. Youths were expected to work, attend school, or do volunteer work during their stay in Family Shelter.

Despite traditional skepticism about finding suitable and sufficient candidates, the project was successful in developing this service. Candidates with a variety of family compositions were recruited in different school districts. In addition, an assessment of services available in each of their communities was conducted.

The Family Shelter has been successful with a variety of problematic youth. One delinquent boy, with a history of over 30 runs from placement in a two-year period, was able to live in a family shelter home for almost two months, with no difficulties, prior to placement in a treatment setting.

Group Shelter

The Division of Youth Services does not operate a shelter care program, therefore, shelters contracted by Social Services within the county were utilized.* These shelters are short-term group homes which serve an adolescent population with labels like "dependent/neglected" or "out of control of parents."

The shelter staff initially resisted accepting delinquents, even though their intake criteria included these youths. They felt that delinquents would not mix well with the other youths and would have more serious behavior problems. The intake staff gradually earned the confidence of the shelter staff in their judgment about the youths they referred, resulting in the shelters being used regularly for delinquents. While at shelter, the youth was still in a detention service, and was visited at least weekly by the intake staff. If any problems arose, a more restrictive setting was be recommended.

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*During the past year, Social Services has assumed all responsibility for nonsecure placements and DYS no longer operates anything other than Home Detention.

The project has been able to maintain a large number of youths in shelter care with very few problems. Generally, youths who are in the process of going to court are very well-behaved and concerned about consequences. Keeping youths fully informed about their movement through the legal system is a major ingredient in maintaining their equanimity.

## EVALUATION OF THE PROGRAM

### Population Changes

The intake criteria were disseminated to all referring agencies. It was hoped that these agencies would monitor their own referrals according to the criteria. This did not occur. The number of referrals to the Center, which had averaged two per day, remained relatively constant. Similarly, the charges for which the youths were detained did not change dramatically. Close to one-half of the referrals continued to be for delinquency offenses. Another one-quarter were brought to detention under court order. The number of runaways fluctuated seasonally, ranging from 30 percent of the referrals in the spring to about 20 percent in the fall and winter.

The reasons for which the youths were brought to the Center had also not changed. Over one-third of the youths were referred not because they represented any danger or risk, but because parents were unavailable or because of family problems. Mandatory police holds (see criteria I-A-3) were placed on only 18 percent of the youths while the court initiated 20 percent of the holds. The remaining holds were initiated by Probation, Parole, Social Services, or other agencies.

The number of youths in nonsecure detention was also monitored carefully to prevent a "widening of the net" of candidates for detention services. The project wanted to be sure that nonsecure alternatives were used to hold only youths who would have been held in the detention center, not those who would have been released. The sole means of measuring this was to monitor the total daily population in both secure and nonsecure programs, to see that they stayed at the same level as before the project. During the duration of the project the average total daily attendance remained at the the pre-project level, although there was a strong tendency for the use of nonsecure programs to increase. Strict attention to this issue was required to control unwarranted use of nonsecure detention.

In the first three months, the intake unit was able to release three times as many juveniles on the day of referral as compared to the preceding quarter. For the entire year, the intake unit was able to screen out 31 percent of the referrals, more than twice the 14 percent recorded prior to the project. The screening effort thus had a direct effect on the number of juveniles required to remain in detention overnight. While an average of 13 youths per week were

admitted to the Center for at least one overnight stay, the weekly average ranged between seven and nine youths after the project started.

The status of youths in secure detention was continually monitored to determine whether nonsecure placement or release were feasible. This resulted in the release of a greater proportion of juveniles during the first 24 and 48-hour periods. Prior to the project, one-quarter of the youths referred were released in 24 hours and one-quarter in 48. This proportion increased to one-half and two-thirds respectively after the project started. The release from detention was most successful for runaways. Before, the project, only 45 percent were released in 48 hours. By the last three months of the program, 96 percent of runaways were released. Of the youths released in the first 24 or 48 hours, over one-half were released directly to parents or guardians.

As a result of this project, the overall average length of stay was reduced from seven days, prior to the project, to five days, after the project was implemented. More important for the operation of the Center itself, was the large reduction in the average daily population (ADP). The pre-project ADP of 16 dropped to an ADP of 12, in the first three months, and averaged 11 for the year. This 25 percent reduction in ADP for secure detention was statistically significant, and has remained at 12 or less for each of the evaluation periods. To verify that the changes in the detention population were due to the project, comparisons were made to the Jefferson Detention Center, the center most similar to Arapahoe. During the study, most population measures at Jefferson did not change significantly. The only change noted for Jefferson was a random fluctuation in the secure average daily population.

## Recidivism Rates

With any pretrial release program, there is concern for the safety of the community and the integrity of the court process. The general assumption is that dangerous juveniles are detained; if any are released, the community will experience more crime and court delays due to failures-to-appear. As noted above, the first part of the assumption was shown to be invalid because most of the juveniles detained were not dangerous. By looking at various recidivism measures, the second half of the assumption can also be disproved. This evaluation looked at three different recidivism measures to determine if the program had any negative impact: the rate of new petitions, the failure-to-appear rate, and the redetention rate.

TABLE 1

Recidivism Rates at the Arapahoe County Juvenile Detention Center
Before and After the Implementation of Specific Intake Criteria

| | Before | | After | |
|---|---|---|---|---|
| | 90 days/180 days | | 90 days/180 days | |
| New petitions | 6(3.2%) | 7(3.7%) | 3(1.7%) | 7(3.9%) |
| Failed to appear | 58(31.0%) | 72(38.5%) | 50(27.6%) | 69(38.1%) |
| Redetained on new charges | 23(12.3%) | 31(16.6%) | 17(9.4%) | 25(13.8%) |
| | N=187 | | N=181 | |

The results of the recidivism analysis shown in Table 1 compare the three months prior to the program to the first three months of the program, following the youths for both 90 and 180 days after their referral to the Center. Statistically, no significant differences were found in any of the recidivism measures. The number of new petitions filed did not increase, and the rate of failure-to-appear in court did not increase, nor did the rate of redetention. An additional comparison with the Jefferson Detention Center also failed to indicate a statistically significant difference in redetention rates although Arapahoe had a lower rate.

In conclusion, it can be stated that the project had no adverse impact on the community or the judicial system as measured by rates of detention, failure to appear, and new petition filings.

Fiscal Results

As noted earlier, the Arapahoe Detention Center was so overcrowded that officials felt a need to construct a new detention center. In fact, the Arapahoe Detention Center was closed one year after the program started, which can be viewed as a savings of tax dollars, since the legislative appropriation for detention services was reduced by over $200,000. There were increased costs in other areas, however, such as the transportation of youths, and the provision of social and legal services outside the community in which the youths normally reside.

To assess fiscal impact, average client maintenance costs should also be analyzed. For the State of Colorado, the average cost to detain a youth was $56.97 per day in 1980. An ADP of 18, for the 12 months preceding the program, results in a total of $374,293. With an 11.2 average daily

population at the Center, for the 12 months after the start of the program, $232,893 were spent in detaining youths. This results in a 38 percent reduction in the amount of money being expended on holding Arapahoe County youths in secure detention. This is, however, not a true savings to the State because of fixed operating and personnel costs necessary in maintaining a facility.

Additionally, the nonsecure ADP of 5.2 must be included in these calculations. Personnel costs for the intake staff ($28,000) average $14.75 per youth per day in a nonsecure program. Family shelters are paid $300 per month while shelter facilities are funded through Social Services. For three family shelter beds, the yearly cost is $10,800 or an addition of $5.69 per ADP, Total cost for nonsecure detention is thus $20.44 per youth per day in nonsecure detention for a total of ($28,000 + $10,800) $38,800. Deducting this cost from the $141,400 savings, above, still results in a cost savings of $102,600. These figures demonstrate that faced with possible new construction, an intake screening program is considerably more cost-effective.

## CONCLUSION

The Arapahoe Detention Alternatives Program was very successful, reducing the average daily attendance at the Youth Center from 18 per day to 11 per day, virtually eliminating any overflow to other centers, and keeping the population to a manageable program number. The program was so successful, in fact, that in May, 1981, the Colorado Legislature voted to close the Arapahoe Youth Center. There were many factors which brought this about, but the Alternatives program is seen as the major impetus.

The decision to close the Arapahoe Youth Center has produced a diverse response--positive, insofar as there are too many secure detention beds in Colorado; negative, because this particular center probably should have been retained. The Arapahoe Youth Center developed community support for better detention systems; was operating at a programmatically efficient level; and was the center everyone was watching to learn about this new concept of detention services.

In order to develop a workable nonsecure detention system, there must be a gradual shift from secure beds to nonsecure beds. The costs for total implementation will increase for the juvenile justice system during this transition, and will be reduced as secure beds are systematically eliminated. The long-range plan for detention services has to include the resources necessary to accomplish this transition.

Those involved with the Arapahoe Detention Alternatives Program are pleased with the success they have had and continue to have in Colorado. The program, which was originally funded by the Office of Juvenile Justice and Delinquency Prevention, has become a regular budget item under the State General Fund. The Arapahoe Intake Unit, now situated at a detention center in Denver,

continues to provide screening and alternatives to secure detention for Arapahoe County youths. Additional Intake programs have been developed in all other Colorado youth detention centers, and at many jails throughout the State.